IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.42 OF 2006
IN
SUMMARY SUIT NO.3569 OF 1999

Ramchandra Ganpat Nimbalkar ..Plaintiff.

Vs.

Smt.Hirakani Sanatkumar Dixit & Ors. ..Defendants.

Mr.Atul Damle i/b.Mr.Sanjay Gawde for the Plaintiff.

Mr.J.P.Sen i/b.Yogesh N. Adva for Defendant Nos.1 and 3.

CORAM : S.J. VAZIFDAR, J.
DATED : 10TH JULY, 2007

P.C. :

By this Notice of Motion taken out by Defendant Nos.1, 3 and 4 sanction of the Court is sought for prosecution against the Plaintiff for perjury. On behalf of Defendant Nos.1, 3 and 4, it is contended that the case was based on various false statements.

2. In my view, it would not be appropriate at this stage to consider the rival contentions raised in this Notice of Motion. Admittedly, an Appeal against the decree is pending. It also appears that there is a settlement between Defendant No.2 and the Plaintiff which is conditional upon various aspects. The issues that arise in this Notice of Motion

necessarily also arise on the merits of the matter in the Appeal as well as in the suit itself.

3. In the circumstances, the Notice of Motion is dismissed.

4. Defendant Nos.1, 3 and 4 are however at liberty to take out a fresh Notice of Motion for similar reliefs, if they so desire, after the Appeal is disposed of.